

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
JUNE 15, 2009**

ATTENDANCE: First Selectwoman Evonne Klein, Seth Morton, Callie Sullivan, Linda Santarella, David Bayne

STAFF: Karl Kilduff, Administrative Officer

ABSENT: None

OTHERS: Carol Wilder-Tamme, Darien Chamber of Commerce President/CEO; John Seely, Darien Resident; Robert Steeger, Public Works Director; John McDonald, Advisory Commission on Coastal Waters Chairman; John van der Kieft, Planning, Zoning & Housing Committee; Harry Artinian, RTC Chair; Susan Marks, RTC member, Carolyn Schoonmaker, RTC Member; Wally Simon, RTC member; Mary Guimond, Darien Resident

CALL TO ORDER

First Selectwoman Klein called the meeting to order at 8:12 p.m.

PUBLIC COMMENT

Ms. Carol Wilder-Tamme, Darien resident and President/CEO of the Chamber of Commerce. She said that the last time she was at the meeting, the Chamber had just kicked off the first phase of a "Shop Local" campaign. There are Darien Distinction cards that can be purchased which will give residents discounts at local For every \$100 spent in every local store rather than a national chain, \$68.00 returns to the town in taxes, payroll and other revenue. She then distributed a copy of a new flyer, which is part of Phase Two. The chamber has partnered with Grove Street Plaza and Bay Street Properties in sponsoring movie nights at Tilley Park. The sidewalk sales are scheduled for July 10th and 11th.

Ms. Mary Guimond of 19 Old Stone Road came forward and said she was present to oppose the application for the development in District 6. It allows for zoning overrides that increase the density. While the District Six residents love being close to the railroad and stores, 35 Leroy is a pocket of land that abuts four homes. When the Selectmen asked for input, Ms. Guimond asked if an overlay would be used and was told that it would. She said that there were a number of concerns such as the number of single and

two bedroom units. The 60% of single bedroom units would exclude the teachers because of the income restrictions. Also, the parking would not be reduced as originally planned and went on to express concerns about the amount of non-permeable surface. She then said that the Board had worked very hard to balance a variety of needs and had been successful in achieving. She then asked the Board to remain firm on their course.

Ms. Santarella requested that the remarks be attached to the minutes. A hard copy of Ms. Guimond's remarks was then submitted to the Administrative Officer.

Mr. John Seely from District One and said that he had a question about 35 Leroy. He said that the Board had considered 35 Leroy in light of the special permit. He then asked how the Board intended to address this. First Selectwoman Klein reviewed the process with him.

Mr. Seely then asked about the MHA. First Selectwoman Klein said that draft comments have been received by the Town Counsel, but have not been reviewed. He then asked how addressing the special permit would change the project. First Selectwoman Klein said that it would change the project with a minimum of 14 and maximum of 21.

First Selectwoman Klein asked if there was anyone else present who wished to address the Board. There was no one present who wished to address the Board at this time.

REPORT FROM ROBERT STEEGER REGARDING FLOODING PROJECT UPDATE

Mr. Steeger then presented the Stoney Brook/Heights Flood review. On May 11, the DEP published tentative notice of intent to waive public hearing. On June 2nd, a public information meeting was held on site and 21 members of the public attended. On June 3rd, Mr. Steeger presented the application to the Darien EPC and the Darien EPC set a date of July 1st for a hearing.

On June 9th, First Selectwoman Klein was informed that a petition with 28 signatures had been received from the DEP requesting a public hearing. At the suggestion of the DEP, a meeting has been scheduled for June 23rd at 7:30 p.m. in the auditorium and each of those who signed will be called and receive a letter inviting them to attend the meeting. The DEP has stated that if the local residents' concerns are not satisfied following this meeting, a permit will not be issued for the project this summer.

First Selectwoman Klein said that some of those who signed were under the impression that they were signing up for additional information. However, this petition has started a very formal process with them DEP with a very strict timeline.

Mr. Steeger said that he would leave copies of a draft response to the Army Corp of Engineers (ACOE) regarding the project. This letter will be submitted to the ACOE tomorrow.

The Stoney Brook Draining Report has been issued and Malone and MacBroom will be present next week for a presentation and making their recommendations.

Mr. Steeger said that Goodwives Watershed report is underway and that it is expected to be ready on August 1st.

Ms. Santarella asked if Malone and MacBroom recommendation would be different from the information contained in the report. Mr. Steeger said he did not believe it would be different.

First Selectwoman Klein then asked Mr. Steeger to explain how the EPC takes the jurisdiction over cases like this because some people believed that was the First Selectwoman or the municipality's role. Mr. Steeger then briefly reviewed the process and explained that EPC can take jurisdiction over the dam and the area surrounding it. First Selectwoman Klein said that she had been told that the municipality had no jurisdiction over this. Mr. Steeger agreed and said that the Town's presentation would be the same whether the EPC had jurisdiction or not. First Selectwoman Klein said that if the petitioners have the public hearing, they would have an opportunity to submit comments to the ACOE and other agencies.

Ms. Sullivan said that she really appreciated Mr. Steeger's work and was very impressed with the walk through on the site. She said that it would be important to explain to the residents that this would mitigate flooding on Heights Road. First Selectwoman Klein said that last year when the application was presented, there weren't enough alternatives. The most recent application did include alternatives and was approved. Mr. Steeger said that the value of alternatives is something that the ACOE and the DEP examine. He then listed several alternatives that had been considered, including flooding Baker Field, building retention ponds on the railroad property or behind Stop and Shop, and purchasing private property for retention purposes.

Ms. Santarella then asked about the Land Trust request. Mr. Steeger then reviewed the first application and the reasons why it was rejected. He said that the Town was aware that the application needed to have wetlands mitigation, which is a requirement to more than replace the amount of wetlands and improve the wetlands. Mr. Steeger said that the quickest way to do this was to do it on Town property. The Land Trust properties never were mentioned during the preparation of the second application. Mr. Steeger said that he had always perceived the Land Trust as a group interested in preserving open spaces but not invested in preserving wetlands. After viewing the suggested parcels, it became clear that the Town would have to withdraw their application, redraw the plans and start

the application all over again. This is why the decision was made to stay with the original application.

Carolyn asked about the dates of the meeting. June 22nd is the presentation of Malone and MacBroom on the entire Stoney Brook Area. July 1st is a public hearing on the EPC. June 23rd is a meeting with the people who signed the DEP petition. Cheryl asked if the meeting on the 23rd was a public hearing. First Selectwoman Klein explained that it was not a public hearing, but a meeting to work out the issues with the residents. If the Town is able to resolve the issues, it will help.

Mr. Bayne asked if LaForge Road was completed. Mr. Steeger said that it was completed except for the paving, which would be done in August when the rest of the paving is done.

NEW BUSINESS

a) Discuss and Take Action on Draft Charge for EMS Review Committee

**** MS. SANTARELLA MOVED TO APPROVE THE FOLLOWING DRAFT OF THE EMS REVIEW COMMITTEE:**

THE OVERALL RESPONSIBILITY OF THE EMS REVIEW COMMITTEE IS TO REVIEW THE RESPONSE TIME AND DATA DURING A 12 MONTH PERIOD OF OUR EMERGENCY AMBULANCE CORPS AND TO RECOMMEND ANY CHANGES TO THE CORPS THAT WOULD IMPROVE THE DELIVERY OF SERVICE.

THE COMMITTEE WILL BE COMPRISED OF 5 MEMBERS WITH EXPERIENCE I THE MEDICAL FIELD AND/OR EMERGENCY HEALTH.

THE COMMITTEE WILL:

1. REVIEW EXISTING EMERGENCY MEDICAL SERVICE WITH THE GOAL OF IMPROVING THE SYSTEM, IF NECESSARY, TO ASSURE TIMELY RESPONSES AND EFFECTIVE TREATMENT TO CITIZENS' EMERGENCY MEDICAL NEEDS;

2. REVIEW RESPONSE TIME AND CALL DATA TO INSURE PROPER DEPLOYMENT AND STAFFING;

3. EVALUATE NEW TECHNOLOGIES AND BEST PRACTICES;

4. BENCHMARK DARIEN'S SERVICES COMPARED TO APPROPRIATE PEERS AND THE REGION AND;

5. MAKE RECOMMENDATIONS TO THE BOARD OF SELECTMEN CONCERNING CHANGES IN PROCEDURES NECESSARY TO PROVIDE BETTER SERVICES TO DARIEN CITIZENS

6. PROVIDE MONTHLY, WRITTEN REPORTS TO THE BOARD OF SELECTMEN UPDATING THE BOARD ON ITS PROGRESS.

**** MR. MORTON SECONDED.**

First Selectwoman Klein said that there had been some minor text changes. Mr. Morton said that he would suggest a line item that addresses funding. Discussion followed on the exact wording.

Mr. Walter Casey came forward and said that he did not know these folks. He added that it would be important to be careful about who is on the Committee so there were no conflicts of interests.

Mr. Casey then read a document requesting copies of the contracts and financial documents between the Town and Post 53 pursuant of the FOI regulations.

Mr. Bayne said that the Commission was in no way a reflection on Post 53 and the excellent services they provide. It is an obligation for the Town to monitor and review the service. He said that he believed that the changes that will be suggested would be minimalist. Ms. Santarella said that the Advisory Board of Health was the ones that suggested that the Board have the review. There are some in the public that believe that this study is a criticism when it is not. Post 53 is also looking forward to the results of this study. First Selectwoman Klein said that it was unfortunate that these comments have muddled the waters.

Ms. Santarella said that she hoped that this issue would be on the next agenda. Ms. Sullivan said that she agreed with Mr. Bayne and Ms. Santarella and that there was no major rush. It would be important to have the right people on the committee and a clear charge. It is important for the community to know that the Board has the utmost faith in Post 53 and the services they provide. Mr. Bayne said that he thought it would be a reaffirmation of the excellent service they provide. Mr. Morton reminded everyone that Post 53 was not without supervision and have been monitored by the health care professionals. This is just a logical extension of due diligence. He said that this was an opportunity to look at what they do and improve their service. He said he expects it to be done in a timely manner and expected the progress to be brisk. First Selectwoman Klein

said that Post 53 is always looking to improve their services and work with Norwalk and Stamford Hospitals on this.

Mr. Seely asked when the last external review of Post 53 was done. First Selectwoman Klein said she did not believe one had been done before.

**** THE MOTION TO APPROVE THE FOLLOWING AMENDED DRAFT:**

THE OVERALL RESPONSIBILITY OF THE EMS REVIEW COMMITTEE IS TO REVIEW THE RESPONSE TIME AND DATA DURING A 12 MONTH PERIOD OF OUR EMERGENCY AMBULANCE CORPS AND TO RECOMMEND ANY CHANGES TO THE CORPS THAT WOULD IMPROVE THE DELIVERY OF SERVICE.

THE COMMITTEE WILL BE COMPRISED OF 5 MEMBERS WITH EXPERIENCE I THE MEDICAL FIELD AND/OR EMERGENCY HEALTH.

THE COMMITTEE WILL:

1. REVIEW EXISTING EMERGENCY MEDICAL SERVICE WITH THE GOAL OF IMPROVING THE SYSTEM, IF NECESSARY, TO ASSURE TIMELY RESPONSES AND EFFECTIVE TREATMENT TO CITIZENS' EMERGENCY MEDICAL NEEDS;

2. REVIEW RESPONSE TIME AND CALL DATA TO INSURE PROPER DEPLOYMENT AND STAFFING;

3. EVALUATE NEW TECHNOLOGIES AND BEST PRACTICES;

4. BENCHMARK DARIEN'S SERVICES COMPARED TO APPROPRIATE PEERS AND THE REGION;

5. MAKE RECOMMENDATIONS, WHICH INCLUDES COST ESTIMATES AND FUNDING OPTIONS AS APPLICABLE, TO THE BOARD OF SELECTMEN CONCERNING CHANGES IN PROCEDURES NECESSARY TO PROVIDE BETTER SERVICES TO DARIEN CITIZENS AND;

6. PROVIDE MONTHLY, WRITTEN REPORTS TO THE BOARD OF SELECTMEN UPDATING THE BOARD ON ITS PROGRESS.

PASSED UNANIMOUSLY.

b) Discuss and Take Action on Changes to Charge of Advisory Commission on Coastal Waters.

**** MS. SULLIVAN MOVED THE ITEM.**

**** MR. BAYNE SECONDED.**

According to the Town Charter, all advisory commissions are to be affirmed annually. Currently there are 10 members on the Commission, so there is an opening. First Selectwoman Klein then said that anyone who was interested on serving Commission, please contact the First Selectwoman's office. Mr. Bayne asked about expiration date of December 31, 2009. First Selectwoman Klein said that it was just the date for the reaffirmation.

Mr. Morton said that he thought that the Tokeneke Association should be on the Board. Sandy said that they had not been able to get Tokeneke residents to fill the seat. Sandy said that there were other coastal areas that might be interested. Ms. Sullivan said that many of the Tokeneke residents have other residences elsewhere and this might contribute to the difficulty in filling the vacancy.

**** THE MOTION TO APPROVE THE FOLLOWING RESOLUTION:**

RESOLUTION ESTABLISHING AN ADVISORY COMMISSION ON COASTAL WATERS

BE IT RESOLVED, BY THE BOARD OF SELECTMEN THAT AN ADVISORY COMMISSION ON COASTAL WATERS BE FORMED FOR THE FOLLOWING PURPOSES:

1. ASSIST THE BOARD OF SELECTMEN IN THE PERFORMANCE OF ITS RESPONSIBILITIES PURSUANT TO CHAPTER XIV OF THE TOWN CHARTER.

2. ADVISE THE BOARD OF SELECTMEN OF ANY RECOMMENDED CHANGES TO THE TOWN BOATING ORDINANCES AS DESCRIBED IN CHAPTER 78.

3. ADVISE THE BOARD OF SELECTMEN CONCERNING PROTECTION AND USE OF DARIEN'S COASTAL WATERS AND SHELLFISHING UNTIL SUCH TIME AS A SHELLFISH COMMISSION IS FORMED.

4. ACCEPT REPORTS AND SUGGESTIONS FROM THE HARBORMASTER.

**5. RECEIVE REPORTS AND LETTERS FROM THE PUBLIC
PERTAINING TO DARIEN'S WATERS.**

**6. CONSULT WITH THE DARIEN POLICE DEPARTMENT ON
SPECIFIC PROBLEMS AND WORK WITH THE POLICE DEPARTMENT, FIRE
DEPARTMENT, COAST GUARD AND HARBORMASTER IN PROMOTING
BOATING SAFETY.**

**7. CARRY OUT SUCH OTHER ASSIGNMENTS AS MAY BE ASSIGNED
TO IT FROM TIME TO TIME BY THE BOARD OF SELECTMEN.**

**8. PROVIDE THE BOARD OF SELECTMEN WITH PROGRESS
REPORTS AS NECESSARY AND AN ANNUAL REPORT OF THE COMMISSION'S
ACTIVITIES.**

**BE IT FURTHER RESOLVED THAT THE ADVISORY COMMISSION ON
COASTAL WATERS SHALL CONSIST OF ELEVEN MEMBERS TO BE
APPOINTED BY THE BOARD OF SELECTMEN FOR TERMS EXPIRING ON
DECEMBER 31, 2009 WITH THE FOLLOWING REPRESENTATIONS:**

**9 AT LARGE MEMBERS
1 BOAT CLUB MEMBER
1 NOROTON YACHT CLUB MEMBER**

**AND WITH THE FOLLOWING TO BE EX-OFFICIO, NON VOTING MEMBERS:
THE HARBORMASTER, THE DEPUTY HARBORMASTER, A
REPRESENTATIVE OF THE DARIEN POLICE DEPARTMENT AND A
REPRESENTATIVE OF THE PARKS AND RECREATION COMMISSION.**

ENACTED BY THE BOARD OF SELECTMEN ON 5/26/09

PASSED UNANIMOUSLY.

**c) Discussion and Take Action on Authorizing and Directing Advisory Commission
on Coastal Waters to Issue Letters Locating the "Buzzeo" Shellfish Beds.**

**** MS. SULLIVAN MOVED THE ITEM.**

**** MR. BAYNE SECONDED.**

Mr. McDonald came forward and said that he believes the 2002 applicant has the right to come in to discuss his views.

**** THE MOTION TO AUTHORIZE AND DIRECT THE ADVISORY COMMISSION ON COASTAL WATERS TO ISSUE LETTERS LOCATING THE “BUZZEO” SHELLFISH BEDS PASSED UNANIMOUSLY.**

d) Discuss Report from Planning, Zoning & Health Sub-committee on the Draft Affordable Housing Plan

First Selectwoman Klein said that this would conclude the discussions regarding this plan. Mr. John van der Kieft from the Planning, Zoning & Housing Committee came forward and greeted the Board. He said that he would focus on the Affordable Housing Plan's 20 strategies. Mr. van der Kieft said that the Committee was sensitive to creating density in the Town and would be of primary importance. Secondly, maintenance would be key, and thirdly, the provision of a variety of options to accomplish affordable housing. Ms. Santarella asked if Mr. van der Kieft had hand outs. Mr. van der Kieft said that he did. (See attached)

Strategy #1: Adopt Affordable Housing Plan. The Planning, Zoning & Housing Committee agrees.

Mr. van der Kieft listed having the Planning and Zoning Commission, the Board of Finance, Legal Counsel and Real Estate representatives review the Plan along with a diverse range of expertise to gain consensus. First Selectwoman Klein pointed out that the Town Counsel had reviewed the plan and the Planning and Zoning Commission had declined to comment.

Ms. Santarella asked how the realtors would be chosen to review. Mr. van der Kieft said that he thought that the Board of Realtors might be approached. Discussion about this then followed. Mr. Morton said that there had been a number of realtors who had been in town a long time and having their input on the draft would be valuable. Mr. van der Kieft said that this was a draft plan but when the time comes to finalize the plan, Planning and Zoning will make the final decision.

Strategy #2 – Implement Inclusionary Zoning Regulations. The Planning, Zoning & Housing Committee agrees.

Mr. van der Kieft said that the group does not agree with the ordinance and then outlined the reasons why. Mr. van der Kieft said that he was not aware of the Planning and Zoning hearing regarding the ordinance, which was passed on June 1st. Mr. van der Kieft said that the Planning, Zoning & Housing Committee felt Inclusionary Zoning was a low priority. First Selectwoman Klein reminded everyone that the multi family housing will have to include affordable housing or payment in lieu and this is now a zoning regulation. Ms. Santarella said that she had attended the P&Z hearings and did not hear members of the public present to object to this. Ms. Sullivan said that she believed that Planning and

Zoning would be very mindful of the fact that it will be important to balance the affordable units with the number of market rate units. First Selectwoman Klein said that the P,Z&H Committee will want to review the Master Plan so that the developers don't think they can come in and change a neighborhood from single family to multiple family dwellings. Mr. Morton repeated that inclusionary ordinance has been approved and was now a Planning and Zoning regulation. First Selectwoman Klein said that it will be important to make sure that the Town does not fall behind in keeping the amount of affordable units above 12%. Discussion then followed about this.

Strategy #3 – Provide “workforce housing through HOMEConnecticut Affordable Housing Incentive Overlay Zone. The Planning, Zoning & Housing Committee agrees.

Mr. van der Kieft recommended that the strategy be expanded by adding additional land to the draft plan

Strategy #4 – Proceed with the development of the Alan O'Neill site. The Planning, Zoning & Housing Committee agrees.

Strategy #5 - Implement Zoning Regulations as outlined in the Planning and Zoning Committee report. The Planning, Zoning & Housing Committee agrees.

Strategy #6 - Amend the Town Master Plan of Conservation & Development to include a master plan for Noroton Heights, which would allow a mix of affordable and market rate units on the upper floors. The Planning, Zoning & Housing Committee agrees.

Ms. Santarella said that Mr. Golden had made a presentation regarding a development that did include affordable units. Ms. Sullivan pointed out that the inclusionary zoning will require Mr. Golden to have affordable housing in his project.

Strategy #7 - consider allow accessory apartments and require these units to be affordable, deed restricted units. The Planning, Zoning & Housing Committee agrees.

Mr. van der Kieft said these apartments could add significantly to the affordable housing base. He then recommended a study to determine the number of illegal department for review. First Selectwoman Klein said that Westport had an Accessory Apartment regulation and had only received 8 applications for them. Ms. Santarella said that she

believed that the owners were the only ones who could deed restrict their accessory apartments.

Strategy #8 - Allow third floor development in areas along the Downtown, other appropriate commercial areas, and in close proximity to major transportation routes. The Planning, Zoning & Housing Committee agrees.

Mr. van der Kieft suggested that this be amended to specify that units are to be a mix of affordable and market rate housing.

Strategy #9 – Establish benchmark criteria that best harmonizes any affordable housing development with the existing zoning. The Planning, Zoning & Housing Committee agrees.

Strategy #10 – Establish and fund the Housing Trust Fund. The Planning, Zoning & Housing Committee agrees as long as the Tax Payer funds does not support this.

Strategy #11 – Consider a condominium purchase whereby the Town could subsidize the purchase or “buy down” of units that become available and deed restrict them as affordable in perpetuity. The Planning, Zoning & Housing Committee does not agree.

Mr. van der Kieft said that there were concerns about the residents of affordable units were not paying their fair share of common fees and outlined the other three concerns. First Selectwoman Klein asked if any of these situations had happened. Mr. Van der Kieft said that the first situation of the affordable unit residents not picking up their fair share of the common fees had occurred.

Strategy #12 – Maximize the Potential of Existing Properties. The Planning, Zoning & Housing Committee would like further clarification.

First Selectwoman Klein asked if Jeremy or Andrea had been contacted to discuss these issues, as they were the authors of the Plan. Mr. van der Kieft said that there would be many difficulties implementing this strategy, which are outlined in the full report.

The discussion then moved to the already existing cottages or caretaker’s quarters on 2 or 4 acre parcels, which the Planning, Zoning & Housing Committee disagree with because it is in conflict with Town’s single family element and increase density. Ms. Sullivan asked how an existing cottage without a stove would be considered. Mr. van der Kieft said that it wouldn’t be right to convert it and count it.

Strategy # 13 – Create housing within new commercial development. The Planning, Zoning & Housing Committee agrees.

Strategy #14 - Conduct ongoing educational campaign to educate the Town's residents about the needs and benefits of affordable housing. The Planning, Zoning & Housing Committee agrees.

Strategy #15 - Create an informational clearinghouse through DAHAC and the Planning and Zoning Department. The Planning, Zoning & Housing Committee agrees.

First Selectwoman Klein pointed out that DAHAC was in the process of being disbanded.

Strategy #16 – Encourage and continue training for Boards and Commission members and staff. The Planning, Zoning & Housing Committee agrees.

Strategy #17 –pursue grants for the construction and maintenance of affordable housing. The Planning, Zoning & Housing Committee agrees.

Strategy #18 – Use the legal authorities available to the municipality creatively and prudently in order to further continue to implement affordable housing development. The Planning, Zoning & Housing Committee agrees.

The first recommendation was to “engage other like-minded communities to join together to modify 8-30g”. The discussion centered on the definition of “like minded communities”. Mr. van der Kieft said that Darien does not have empty buildings that can be converted into affordable housing like Fall River. First Selectwoman Klein suggested that it would be similar to establishing a regional approach. Ms. Sullivan said that rather than approach the Legislature the Town needs to investigate ways to implement smart affordable housing. Mr. Bayne said that in the last session, there were 28 amendments submitted on 8-30G. First Selectwoman Klein said that unfortunately, small towns do not have the votes to carry the day.

Strategy #19 – work with key non-profit developers such as parishes, Housing Development Fund. The Planning, Zoning & Housing Committee agrees with basic tenets.

Strategy #20 – Monitor other actions of neighboring towns/cities to address affordable housing. The Planning, Zoning & Housing Committee agrees with the following amendment – add “and states,” to the statement.

First Selectwoman Klein said that the Selectmen have read other states' affordable housing plans.

Mr. van der Kieft then said that The Planning, Zoning & Housing Committee would like to recommend studying the possibility of converting unoccupied commercial buildings to affordable housing.

Ms. Santarella said that there was a lot of work involved. Mr. Seely said that at the last meeting the Board was going to reach out to Planning and Zoning about this. First Selectwoman Klein said that this had been done and Planning and Zoning had declined to comment.

The Board then thanked Mr. van der Kieft for his presentation.

e) Discuss and Take Action on Applications for Funding under the Connecticut Neighborhood Assistance Act and Referral to the Department of Revenue Services.

**** MR. BAYNE MOVED THE ITEM.**

**** MS. SANTARELLA SECONDED.**

**** THE MOTION TO APPROVE THE FOLLOWING RESOLUTION:**

**RESOLUTION APPROVING PROGRAM APPLICATION UNDER
THE NEIGHBORHOOD ASSISTANCE ACT**

**WHEREAS, THE STATE OF CONNECTICUT CREATED THE
NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT PROGRAM TO PROVIDE
FUNDING FOR MUNICIPAL AND TAX EXEMPT ORGANIZATIONS BY
PROVIDING A CORPORATION BUSINESS TAX CREDIT FOR BUSINESSES
MAKING CONTRIBUTIONS TO SUCH ENTITIES; AND**

**WHEREAS, THE TOWN OF DARIEN RECEIVED A NEIGHBORHOOD
ASSISTANCE ACT PROGRAM APPLICATION FROM A BETTER CHANCE IN
DARIEN; AND**

**WHEREAS, A BETTER CHANCE IN DARIEN PROVIDES SCHOLARSHIPS
TO FEMALE STUDENTS OF COLOR FROM UNDERSERVED ACADEMICS
ENVIRONMENTS TO HELP CLOSE THE ACADEMIC ACHIEVEMENT GAP;
AND**

**WHEREAS, A BETTER CHANCE IN DARIEN HAS REQUESTED \$10,000 IN
NEIGHBORHOOD ASSISTANCE ACT FUNDING; AND**

**WHEREAS, THE BOARD OF SELECTMEN HAS HELD A PUBLIC HEARING,
AS REQUIRED, TO RECEIVE PUBLIC COMMENT ON NEIGHBORHOOD
ASSISTANCE ACT PROGRAM APPLICATION; AND**

**WHEREAS, THE BOARD OF SELECTMEN WISHES TO SEE FUNDING
PROVIDED TO SUCH A VITAL PROGRAM.**

**NOW, THEREFORE, BE IT RESOLVED THAT, THE DARIEN BOARD
OF SELECTMEN HEREBY APPROVE THE NEIGHBORHOOD ASSISTANCE
ACT PROGRAM APPLICATION PREPARED BY A BETTER CHANCE IN
DARIEN FOR CONSIDERATION AND AWARD BY THE STATE OF
CONNECTICUT DEPARTMENT OF REVENUE SERVICES.**

**PASSED WITH THREE IN FAVOR (BAYNE, SANTARELLA AND KLEIN) AND
TWO ABSTENTIONS (MORTON AND SULLIVAN).**

f) Discuss and Take Action on Appointment of Acting First Selectman

**** MR. BAYNE MOVED TO APPOINT MS. CALLIE SULLIVAN AS ACTING
FIRST SELECTMAN.**

**** MR. MORTON SECONDED.**

First Selectwoman Klein thanked Mr. Morton for serving as Acting First Selectman for the last six months.

**** THE MOTION PASSED UNANIMOUSLY.**

**g) Discuss and Take Action on Resolution Authorizing and Directing the First
Selectwoman to Execute a Memorandum of Understanding with the State of
Connecticut Internet Crimes Against Children Task Force.**

**** MS. SULLIVAN MOVED THE FOLLOWING RESOLUTION:**

**RESOLUTION AUTHORIZING AND DIRECTING THE FIRST
SELECTWOMAN TO EXECUTE A MEMORANDUM OF UNDERSTANDING
WITH THE STATE OF CONNECTICUT INTERNET CRIMES AGAINST
CHILDREN TASK FORCE**

**WHEREAS, MULTIPLE LAW ENFORCEMENT AGENCIES IN THE STATE OF
CONNECTICUT COOPERATE ON A MULTI-JURISDICTIONAL BASIS WITH
GRANT FUNDING FROM THE FEDERAL GOVERNMENT TO DETER,
PREVENT, INVESTIGATE AND PROSECUTE PREDATORS WHO SEEK TO**

EXPLOIT OR ENGAGE MINORS IN SEXUAL ACTIVITY THROUGH THE USE OF COMPUTERS, ELECTRONIC MEDIA AND THE INTERNET; AND

WHEREAS, THE PROGRAM PROVIDES TRAINING OPPORTUNITIES FOR TASK FORCE MEMBERS TO BECOME FAMILIAR WITH THE MOST CURRENT TRENDS AND DEVELOPMENTS IN THE AREA OF CHILD SEXUAL PREDATORS; AND

WHEREAS, THE DARIEN POLICE DEPARTMENT IS CURRENTLY INVOLVED WITH THIS PROGRAM BY TRAINING ONE OF ITS OFFICERS; AND

WHEREAS, THE BOARD OF SELECTMEN WISHES TO HAVE THE DARIEN POLICE DEPARTMENT PARTICIPATE IN THIS PROGRAM.

NOW THEREFORE, BE IT RESOLVED THAT, THE DARIEN BOARD OF SELECTMEN HEREBY AUTHORIZE AND DIRECT FIRST SELECTWOMAN EVONNE KLEIN, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF DARIEN POLICE DEPARTMENT AND THE STATE OF CONNECTICUT INTERNET CRIMES AGAINST CHILDREN TASK FORCE TO DETER, PREVENT, INVESTIGATE AND PROSECUTE PREDATORS WHO SEEK TO EXPLOIT OR ENGAGE MINORS IN SEXUAL ACTIVITY THROUGH THE USE OF COMPUTERS, ELECTRONIC MEDIA AND THE INTERNET.

**** MS. SANTARELLA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

h) Discuss and Take Action on Approving Request to Remove Street Light Located at 5 Jackson Place.

**** MS. SULLIVAN MOVED THE ITEM.**

**** MR. BAYNE SECONDED.**

First Selectwoman Klein reported that Mr. Steeger had visited the site and that there were no safety issues involved.

**** THE MOTION TO APPROVE THE REQUEST TO REMOVE STREET LIGHT LOCATED AT 5 JACKSON PLACE PASSED UNANIMOUSLY.**

TRANSFERS

PLANNING AND ZONING

**** MR. BAYNE MOVED TO APPROVE THE FOLLOWING TRANSFER:**

Planning & Zoning Department

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

To:

Acct. No.	Account	Amount		Acct. No.	Account	Amount
10201011-82003	Training	\$4,900		10204011-82004	EPC Clerical	\$4,900
	TOTAL	\$4,900			TOTAL	\$4,900

**** MS. SANTARELLA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC WORKS

**** MS. SULLIVAN MOVED TO APPROVE THE FOLLOWING TRANSFER:**

Public Works Department

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

To:

Acct. No.	Account	Amount		Acct. No.	Account	Amount
10402144-83004	Motor Fuel & Lubri	\$1,900		10407011-82041	Repairs & Maintenance	\$1,900
	TOTAL	\$1,900			TOTAL	\$1,900

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

LEGAL COUNSEL

**** MR. BAYNE MOVED TO APPROVE THE FOLLOWING TRANSFER:**

Legal Counsel

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

To:

Acct. No.	Account	Amount		Acct. No.	Account	Amount
10704000-86600	Contingency	\$32,000		10105091-82105	P&Z Reg. Counsel	\$19,000
				10105091-82120	EPC Reg. Counsel	\$9,000
				10105091-82122	ZBA Reg. Counsel	\$4,000
	TOTAL	\$32,000			TOTAL	\$32,000

**** MR. MORTON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

DEBT SERVICE

**** MS. SULLIVAN MOVED TO APPROVE THE FOLLOWING TRANSFER:**

Debt Service

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

To:

Acct. No.	Account	Amount		Acct. No.	Account	Amount
10811011-88811	General Purpose Principal	\$12,500		10810011-88810	School Bond Principal	\$12,500
	TOTAL	\$12,500			TOTAL	\$12,500

**** MR. MORTON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

CONTINGENCY

**** MR. MORTON MOVED TO APPROVE THE FOLLOWING TRANSFER:**

Contingency

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

To:

Acct. No.	Account	Amount		Acct. No.	Account	Amount
1080011-88820	School Bond Interest	\$208,340		10704000-86600	Contingency	\$248,126
10812011-88822	Sewer Bond Interest	23,912				
10813740-82007	Servicing Bonds	1,500				
10107661-81002	Elections – PT	1,135				
10107661-81003	Elections – Seasonal	1,757				
10107661-82008	Elections – Printing	11,482				
	TOTAL	\$248,126			TOTAL	\$248,126

**** MS. SULLIVAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

HEALTH DEPARTMENT

**** MR. BAYNE MOVED TO APPROVE THE FOLLOWING TRANSFER:**

Health Department

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

To:

Acct. No.	Account	Amount		Acct. No.	Account	Amount
10508011-82007	Prof. Services	\$13,000		30508011-90002	Software	\$13,000
	TOTAL	\$13,000			TOTAL	\$13,000

**** MS. SANTARELLA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

INFORMATION TECHNOLOGY:

**** MS. SULLIVAN MOVED TO APPROVE THE FOLLOWING TRANSFER:**

Information Technology

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

To:

Acct. No.	Account	Amount		Acct. No.	Account	Amount
10108011-82003	IT Training	\$700		10108011-82070	IT Information Systems	\$2,775
10108011-84006	IT Information Systems	151				
10108011-82007	IT Professional Services	125				
10108011-82046	IT Computer Repair	1,799				
	TOTAL	\$2,775			TOTAL	\$2,775

**** MR. BAYNE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

FIRST SELECTWOMAN'S REPORT

First Selectwoman Klein congratulated Baywater Properties who were recently honored by CT Main Street 2009 for their project at Baywater Road.

There has been a meeting with Darien Road Race chief organizers to review the route for the Road Race. The Police Chief has been working on this with the Traffic Division and hopefully the new alternative route will be less inconvenient.

First Selectwoman Klein reminded everyone that there would be a meeting regarding the Baker Field project that Mr. Steeger mentioned earlier on June 23 for those who signed the petition.

There was a Post 53 Annual Family Dinner recently during which everyone had the chance to say good bye to and thank Susan Warring for her 25 years of service to the Town with Post 53.

There will be a Ribbon cutting at 1500 Post Road for the medical building on June 16th. Stamford Hospital has partnered with the Town to provide an expansion of medical services for Darien residents.

First Selectwoman Klein requested that the Board members email their vacation schedules to the office.

ADMINISTRATOR'S REPORT

Mr. Kilduff noted that the process for Senior Center coordinator has started and there were some very productive interviews. Mr. Kilduff then listed the members of the interview committee consisting of himself, Susan Swiatek, Olive Hauser, Jennifer Geddes, and Nancy Markey for the Board.

Ms. Santarella asked for an update on Kluetsch documents. Mr. Kilduff replied that there did not appear to be anything unusual in the comments, which have been given to Atty. Fox to review.

AGENDA REVIEW

First Selectwoman Klein said that 5-14 was a little used regulation and this should be discussed and needed to be included in the RFP. She said that this was the issue that Ms. Guimond had addressed during the Public Comment. A brief discussion then followed.

Mr. Bayne said that the Police Commission had sent a letter to all the Board members about the meeting next Tuesday.

Ms. Santarella asked if anyone had been down to the beach to see the playground being installed.

First Selectwoman Klein said that at the Special Meeting and the Joint meeting a statement was made that a second survey was done at Weed Beach. This is not so. First Selectwoman Klein said that when Redniss and Mead were contacted, they suggested that a determination be made as to where the location was. Redniss and Mead understand that the landmark pin was not located and grade evaluations were calculated based on a catch basin. A difference of 18 inches became apparent, so a second landmark of the flag pole was used. This resulted with a 2 inch discrepancy and because of this, Redniss and Mead will adjust the grades accordingly. The second survey will determine the true number. Mr. Kilduff reviewed the details of the process with the Board.

APPOINTMENTS AND REAPPOINTMENTS

Consider and take action on the following **reappointments**:

Zoning Board of Appeals – John Ashburne (R) and Ruth Anne Ramsey (R) for terms beginning on 7/1/09 and expiring on 6/30/12.

First Selectwoman Klein said that she had received an email from Mr. Harry Artinian, the Chairman of the Darien Republican Town Committee (RTC) earlier in the day and that

he was shocked to learn that the reappointments were on the agenda and objects the fact that these candidates were being allowed to bypass the RTC. First Selectwoman Klein said that after some research, the approval of the Town Committees was a courtesy extended to the Committees. Ms. Sullivan said that that when someone comes forward and is willing to serve, they are considered. If the DTC or RTC sees a vacancy and brings a candidate forward, that is fine, but the Town Committee approval is not necessary. The Board chair sees these members as an asset. Mr. Bayne said that he felt that the tone of email was unpleasant and very surprising.

Mr. Artinian said that this was not what the email said. First Selectwoman Klein then read the email out loud. She said that in the past, there had been some complaints and then the issues have been worked out. First Selectwoman Klein said there were other comments, which she read aloud. Ms. Sullivan said that she had an obligation to work with everyone's schedules. She was sorry if this schedule was difficult for the RTC but she had concerns about putting the vote aside. Mr. Bayne said that he did not know of any reason not to move forward on these appointments.

Ms. Santarella said that she would suggest possibly waiting until July 1st. Ms. Santarella said that she wanted to know what the Chair of the ZBA said to First Selectwoman Klein. First Selectwoman Klein said that the Chair spoke very highly of the two candidates. He said that he felt that the ZBA had a very cohesive Board and would like to continue to work with them. Mr. Morton said that the Board often talks about the number of volunteers that the Board appoints. He said that he had seen a number of candidates with letters of support from the RTC.

Mr. Morton asked when the email arrived. First Selectwoman Klein said that it was time stamped as 5:29 a.m. on June 15th and in her in box this morning. It was the first she had heard of this issue. First Selectwoman Klein said that it was the job of the DTC and the RTC to stay on top of the reappointments. However, Ms. Santarella also reminded everyone that if someone comes forward and is willing to serve, then they are considered. First Selectwoman Klein said that receiving an email like this was a slap in the face to those who do take the time to serve the Town of Darien.

Ms. Susan Marks, an RTC member, said that the conversation that just happened was a total misunderstanding/miscommunication of the email. Ms. Marks said that this was an objection to the process. She pointed out that there were many times when people's terms had expired but the members had stayed on. She said that it was a rare occasion when the RTC and DTC had not done interviews. She then said that the Board was not respecting the RTC members in their discussion.

Ms. Marks then asked whether the candidates had contacted the office. First Selectwoman Klein said that the two candidates had contacted her office. She said that while the various candidates came forward from the Town Committees, others were

welcomed to come directly to her office. She said that if the Town Committees were not comfortable, then this was a discussion that had to take place.

Ms. Marks said that there are ads for the various vacancies in the paper, and this is how it has been done historically. First Selectwoman Klein said that the Charter does not dictate how this should be done. There is a volunteer form on the Town of Darien website for everyone to use.

Ms. Marks then asked if the Board Members understand that it is not the person that is the issue but the process. Ms. Sullivan said that when her friends mention that they want to serve, she tells them to contact the RTC or go directly to the Selectman's office. She said that the email was not indicative what she personally does. Ms. Sullivan said that the tone of the email was unwarranted. Susan said that they would have to agree to disagree and that it was all in the interpretation.

Ms. Caroline Schoonmaker said that the information on the dates was not totally clear to the RTC or the DTC. In the past, the First Selectwoman's Office would call the Town Committees about the reappointment. She said that the dates have been crazy this past year. First Selectwoman Klein said that there are two people who have come in to review the various committees and boards to reconcile the reappointment dates.

Ms. Schoonmaker said that First Selectwoman Klein said that she always talks to the Chair of the committee before a reappointment. Ms. Schoonmaker said that there was an appointment that was upsetting to the RTC. First Selectwoman Klein said that she did not want to discuss that particular appointment in public. She said that she would be happy to have those two people come in to discuss their problems. Ms. Schoonmaker said that this was why the DTC and the RTC does the interviews. First Selectwoman Klein said that there was an issue during Bob Harroll's tenure.

Mr. Wally Simon said that he was a member of the RTM and that the tone of the email could have been more constructive and less accusatory. He then reminded everyone that when Mr. Hendrickson had been appointed to the Board of Selectmen, there was some tension and that First Selectwoman Klein had felt bypassed in the process. First Selectwoman Klein said that she agreed with him about the tone of email. Ms. Marks objected and said that the conversation was about the process and not the people. First Selectwoman Klein said that the Board may have agreed to wait on the appointment but the email started the conversation.

Mr. Artinian said that First Selectwoman Klein said the email accused the Board, but he felt that the email lent credence to the perception that there was circumventing the Town Committees. He then reminded everyone that there had been administrative errors in dates for the various terms. Mr. Artinian said that part of the RTC's job was to vet the individuals for the various positions, and then the group that represents the Republicans

in town would not have any input. He then asked when someone would be allowed to come directly to the Board. Caroline said that the Town Committee would like to have newspaper ads for others to come forward but the records very poor.

First Selectwoman Klein said that this was the only group that came forward to complain about this issue, but that she would look into this situation, but she did not want to make this an issue about the staff or records. She said that after six terms, this was the first time that these issues have come up. Many of the committees like DAHAC or the Charter Revision Commission aren't fun, but the people came forward to serve. Ms. Schoonmaker objected, saying that those two committees were not good examples because neither of the committees would have come through the Town Committees. First Selectwoman Klein said that she hoped that people would continue to come forward to serve. The email is going to be published the newspaper for everyone to read and this will cause collateral damage.

Mr. Artinian said that this was not about individuals, but wanted to know what the trigger would be for someone who wanted to serve. Ms. Sullivan said that the volunteers can come to the DTC, RTC or directly to the Board. Mr. Artinian said that what she was describing was legal, but not necessarily open. Ms. Sullivan said that it was legal.

Mr. Bayne said that it seemed to him that Ms. Ramsey and Mr. Ashburne had been vetted by the Chair. He said that the individuals had now been discussed for 45 minutes. First Selectwoman Klein said that this had been the subject of more than one discussion for the Board during this term. Mr. Morton said that in the past the RTC has sent people before the Board.

Ms. Santarella said that she had spoken with the Chair this morning on the phone about this issue. She said that she believed that the lines of communication had broken down and this was unfortunate. When Mr. Bayne, Ms. Sullivan and Mr. Morton joined the Board, interviews were held so that the new Board members could get to know everyone. Ms. Santarella said that when people come forward they are told of the various options and then the candidate chooses how to approach the appointment. Ms. Santarella said that it was clear that the problem wasn't about the candidates, but about the process. Ms. Santarella said that she was distressed about the fact that dates for appointment terms were not correct.

Mr. Morton said that he was a Republican and that his phone lines were open. He said that this had obviously been going on for months, but this email was the first time that he had heard of the problem.

**** MS. SULLIVAN MOVED TO APPROVE THE REAPPOINTMENT OF JOHN ASHBURNE (R) AND RUTH ANNE RAMSEY (R) TO THE ZONING BOARD OF APPEALS FOR TERMS BEGINNING ON 7/1/09 AND EXPIRING ON 6/30/12.**

Ms. Santarella then asked if the Board would like to consider not moving these appointment ahead and give the RTC a deadline of July 1st. First Selectwoman Klein said that she was prepared to go ahead. Mr. Morton said that he was not willing to allow these candidates to hang out for another few weeks. Ms. Santarella said that she was concerned about the communications and if there are problems, then the Board Members need to know about it.

**** THE MOTION TO APPROVE THE REAPPOINTMENT OF JOHN ASHBURNE (R) AND RUTH ANNE RAMSEY (R) TO THE ZONING BOARD OF APPEALS FOR TERMS BEGINNING ON 7/1/09 AND EXPIRING ON 6/30/12 PASSED UNANIMOUSLY.**

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

Regular Meeting of May 18, 2008 [sic]
Regular Meeting of May 26, 2009
Special Meeting of June 2, 2009

**** MS. SULLIVAN MOVED TO TABLE THE APPROVAL OF THE MINUTES OF THE FOLLOWING MEETINGS:**

**REGULAR MEETING OF MAY 18, 2008
REGULAR MEETING OF MAY 26, 2009
SPECIAL MEETING OF JUNE 2, 2009**

**** MR. MORTON SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

10. FORTHCOMING MEETINGS

June 16, 2009	Board of Finance Regular Meeting at 7:30 p.m.
June 17, 2009	Parks & Recreation Regular Meeting at 7:30 p.m.
June 22, 2009	Board of Selectmen Regular Meeting at 8:00 p.m.
June 23, 2009	Board of Education Regular Meeting at 7:30 p.m.
June 23, 2009	Planning & Zoning Public Hearing at 8:00 p.m.

OTHER BUSINESS

There was no additional business to discuss at this time.

ADJOURNMENT

**** MS. SULLIVAN MOVED TO ADJOURN.**
**** MR. MORTON SECONDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 11:40 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services